

REMARKS

This application pertains to novel cosmetic or dermatological formulations comprising dermatologically effective amounts of specifically-listed flavonoids and optionally one or more cinnamic acid derivatives and optionally an antioxidant, and to the use of said formulations in the treatment or prophylaxis of immunosuppression of the skin cells induced by UVB irradiation.

Claims 8, 11-16 and 18 are pending.

Claims 8, 13-16 and 18 stand rejected under 35 USC 102(b) as anticipated by Suzuki US 5,145,781.

Suzuki, however, is directed towards a method of manufacturing alpha-glucosyl rutin, and is not directed towards any specific formulation or any specific use of any particular formulation.

Thus, from column 8, line 10 through column 10, line 30, Suzuki lists 5 different properties of alpha-glucosyl rutin and, because of these properties, speculates that the alpha-glucosyl rutin would be useful for just about everything under the sun. Thus, for example, Suzuki speculates that it would be useful in seasonings such as soy sauce (col. 8, line 64), ketchup (col. 9, line 1), coffee (col. 9, line 47), tobacco (col 9, line 10) and also

useful in pharmaceuticals.

Nowhere does Suzuki actually disclose a cosmetic or dermatological formulation which comprises a cosmetically effective amount of alpha-glucosyl rutin, optionally including a cinnamic acid derivative and an oxidant; and nowhere does Suzuki disclose anything about the treatment, prophylaxis or protection of skin cells against immunosuppression induced by UVB radiation.

The rejection of Claims 8, 13-16 and 18 under 35 USC 102(b) as anticipated by Suzuki should accordingly now be withdrawn.

Claim 14 stands rejected under 35 USC 102(b) as anticipated by Chikawa US 5,153,000.

Chikawa, however, is actually concerned with a liposome which comprises a particular membrane constituent. Chikawa lists various "cosmetically acceptable active components" which can be incorporated into the liposomes or his invention (col. 8, line 37).

Nowhere, however, does Chikawa disclose a cosmetic or dermatological formulation which comprises cosmetically or dermatological effective amounts of any of Applicants' specifically-listed flavonoids.

Chikawa therefore does not anticipate Applicants' claim 14, and the rejection of said

claim under 35 USC 102(b) as anticipated by said reference should now be withdrawn.

Claims 8, 11-16 and 18 stand rejected under 35 USC 103(a) as obvious over Nakamura US 5,561,116 in view of Whittle US 5,466,422 and Nakanishi et al. US 5,008,441.

Nakamura is concerned with "propolis". Propolis is said by Nakumara to contain a wide variety of components (col. 2, lines 28-49). Of the components found in propolis, only 5% are organic and inorganic compounds. Among the compounds constituting the 5% are a wide variety of individual compounds. There is absolutely no disclosure of the amount of any individual components within that 5%. In particular, there is absolutely no disclosure as to whether or not any of the compounds in the 5% is present in a cosmetically or dermatologically effective amount; or even that any of the individually listed compounds or classes of compounds are dermatologically or cosmetically effective.

Whittle discloses only a variety of herbs and how they may be used to prepare a composition for treating eczema, psoriasis, pruritus and inflammatory reactions of the skin.

Nowhere does Whittle disclose or suggest a specific cosmetic formulation which comprises a cosmetically or dermatologically effective amount of any of Applicants' flavonoids, and nowhere does Whittle disclose or suggest a method for the treatment, prophylaxis or prevention of immunosuppression of the skin cells induced by UVB radiation.

Contrary to the Examiner's contention, no person would want to combine Whittle's herbal remedy with Nakamura's propolis. Nothing in either reference would suggest that there is any reason for such a combination, or that there would be any benefit derived from such a combination.

Moreover, even if they were combined, neither Applicants' composition nor Applicants' method would be arrived at.

Finally, the Examiner would combine Nakanishi with Nakamura and Whittle.

No person skilled in the art would see any reason to add caffeic acid esters to either Nakamura's propolis or Whittle's herbs. The mere fact that Nakanishi's caffeic acid esters are said to be useful to suppress inflammation and for inhibiting the growth of transformed cells does not suggest that it should be combined with propolis or herbs. Even if such combinations were made, however, neither Applicants formulation nor Applicants' method would be arrived at.

The rejections of Claims 8, 11-16 and 18 under 35 USC 103(a) is obvious over Nakamura in view of Whittle and Nakanishi should accordingly now be withdrawn.

In view of the present amendments and remarks it is believed that Claims 8, 11-16 and 18 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

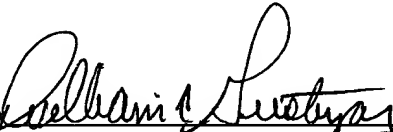
If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

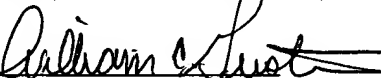
NORRIS, McLAUGHLIN & MARCUS. P.A.

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I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on February 22, 2001.

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